

James P. Wagoner, # 058553
 Todd W. Baxter, # 152212
 Paul J. Whitfield, # 241651
 McCormick, Barstow, Sheppard,
 Wayte & Carruth LLP
 P.O. Box 28912
 5 River Park Place East
 Fresno, CA 93720-1501
 Telephone: (559) 433-1300
 Facsimile: (559) 433-2300
 Email: jim.wagoner@mccormickbarstow.com

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 ONLY)

Attorneys for Plaintiff
 INTERSTATE FIRE & CASUALTY COMPANY,
 an Illinois corporation,

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

INTERSTATE FIRE & CASUALTY
 COMPANY, an Illinois corporation,

Plaintiff,

v.

PACIFIC EMPLOYERS INSURANCE
 COMPANY, a Pennsylvania
 corporation,

Defendant.

REPUBLIC WESTERN INSURANCE
 COMPANY, an Arizona corporation,

Plaintiff in
 Intervention,

v.

INTERSTATE FIRE & CASUALTY
 COMPANY, an Illinois corporation;
 PACIFIC EMPLOYERS INSURANCE
 COMPANY, a Pennsylvania
 corporation,

Defendants in
 Intervention.

Case No. EDCV06-0593 VAP (OPx)

**DECLARATION OF PAUL J.
 WHITFIELD IN SUPPORT OF
 PLAINTIFF INTERSTATE FIRE &
 CASUALTY COMPANY'S REPLY
 TO PACIFIC EMPLOYER'S
 OPPOSITION TO MOTION TO
 RETAX COSTS**

Complaint Filed: June 6, 2006

Trial Date: None

Judge: Hon. Virginia A. Phillips

Date: August 31, 2009

Time: 10:00 a.m.

Ctrm: 2

**[Filed concurrently with: Reply of
 Interstate Fire & Casualty Co.]**

1 I, Paul J. Whitfield, declare as follows:

2 1. I am a member of the law firm of McCormick, Barstow, Sheppard,
3 Wayte & Carruth LLP, counsel herein for Plaintiff Interstate Fire & Casualty
4 Company ("Interstate"). I have personal knowledge of the facts contained herein
5 and if called to testify would and could do so competently.

6 2. In its opposition, PEIC states that it produced complaints from the
7 underlying action that it obtained from the law firm of Verner & Brandt pursuant to
8 a December 13, 2006 subpoena. In my role as counsel for Interstate, I submitted
9 initial disclosures pursuant to Federal Rules of civil Procedure, Rule 26, on October
10 31, 2006 to Pacific Employers Insurance Company ("PEIC"). I have reviewed
11 these Rule 26 initial disclosures again in preparation for the present motion. The
12 Rule 26 initial disclosures contained copies of all the complaints in the actions
13 underlying the present matter.

14 3. In its opposition, PEIC claims that it was required to attend the
15 depositions of Charles Norris and Douglas Bell in order to defend itself against the
16 claims alleged against it by Republic Western Insurance Company ("RWIC"). In
17 the course of this matter, I reviewed a document setting forth a stipulation between
18 PEIC and RWIC. According to this stipulation, PEIC and RWIC had agreed not to
19 pursue claims against each other in the present action. The stipulation was dated
20 prior to the July 31, 2007 depositions of Charles Norris and Douglas Bell.

21 4. I am familiar with the Court docket in this action. On October 31,
22 2008, according to the Court docket, subsequent to the Cross-Motions for Summary
23 Judgment between Interstate and PEIC, and the Motion for Partial Summary
24 Judgment filed by RWIC, RWIC dismissed PEIC with prejudice from the present
25 action, again never pursuing any recovery from PEIC.

26 5. RWIC never filed a motion for summary judgment against PEIC, nor
27 did it pursue the claims alleged against PEIC in its Complaint in Intervention in any
28 other way.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on August 24, 2009.

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6 By: /s/ Paul J. Whitfield
Paul J. Whitfield

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